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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,423	06/20/2001	Guojun Zhou	042390.P11804	9923

7590 07/31/2006  
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EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,423

Applicant(s)

ZHOU, GUOJUN

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-14 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on May 13, 2005.
2. Claims 1-7, 10-14, 18-22 are pending in this action. Claims 8, 9, 15, 16, 17, 23 and 24 have been canceled.
3. The applicant's arguments with respect to claims 1-7, 10-14, 18-22 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 10-14 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Surace et al. (US 6,144,938).

As per claim 1, Surace teaches, "a system comprising":

"a psycho-physical state detection psycho-physical state of a user based on the speech from the user" (col. 6, lines 23-63); and

“a spoken dialogue mechanism for carrying on a dialogue with said user based on the psycho-physical state of the user, detected by the psycho-physical detection mechanism from the speech from the user” (col. 5, lines 25-38).

As per claim 2, Surace teaches, “a speech understanding mechanism for understanding the speech from the user based on the psycho-physical state of the user to generate a literal meaning of the speech” (col. 12, line 42 to col. 13, line 20); and

“a voice response generation mechanism for generating a voice response to the user based on the literal meaning of the speech and the psycho-physical state of the user” (col. 12, line 42 to col. 13, line 20).

As per claim 3, Surace teaches, “at least one acoustic model for characterizing the acoustic properties of speech, each of said at least one acoustic model corresponding to some distinct characteristic related to a psycho-physical state of a speaker” (col. 7, line 62 to col. 8, line 23);

“an acoustic model selection mechanism for selecting an acoustic model that is appropriate to according to the psycho-physical state detected by psycho-physical state detection mechanism” (col. 8, lines 26-50);

“a speech recognizer for generating a transcription of spoken words recognized from the speech using the acoustic model selected by the acoustic model selection mechanism” (col. 8, lines 8-23); and

“a language understanding mechanism for interpreting the literal meaning of the speech based on the transcription” (col. 8, lines 8-23).

As per claim 4, Surace teaches, "a natural language response generator for generating a response based on an understanding of the transcription said response being generated appropriately according to the psycho-physical state of the user" (col. 8, lines 24-50);

"a prosodic pattern determining mechanism for determining the prosodic pattern to be applied to said response that is considered as appropriate according to the psycho- physical state" (col. 21, lines 1-11); and

"a text-o-speech engine for synthesizing the voice response based on said response and said prosodic pattern" (col. 8, lines 24-50).

As per claim 5, Surace teaches, "an acoustic feature extractor for extracting acoustic features from input speech data to generate at least one acoustic feature" (col. 7, line 62 to col. 8, line 7); and

"a psycho-physical state classifier for classifying the input speech data into one or more psycho-physical states based on said at least one acoustic feature" (col. 5, lines 11-38).

As per claim 6, Surace teaches, "at least one psycho-physical state model, each of said at least one psycho-physical state model corresponding to a single psycho-physical state and characterizing the acoustic properties of the single psycho-physical state" (col. 5, lines 11-38); and

"an off-line training mechanism for establishing said at least one psycho-physical model based on labeled training speech data" (col. 5, lines 39-67).

As per claim 7, Surace teaches, “a dialogue manager that control the dialogue flow” (Fig. 9, element 924).

As per claims 10-14 and 18-22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-7.

### ***Response to Arguments***

The applicant argues, “Unlike the present invention, Surace does not appear to teach or suggest a psycho-physical state detection mechanism or a spoken dialogue mechanism for carrying on a dialogue with said user based on psycho-physical state of the user. Surace also does not appear to teach detecting the psycho-physical state of the user from the input speech data, understanding ... the literal meaning of spoken words recognized from the input speech data based on the psycho-physical state of the user, or generating ... a voice response to the user based on the literal meaning of the input speech data and the psycho-physical state of the user. Contrary to the present invention, Surace does not determine the psycho-physical state of the user in order to determine a response to the user”.

The examiner disagrees with the applicant's above assertion because Surace teach a psycho-physical state detection mechanism or a spoken dialogue mechanism for carrying on a dialogue with said user based on psycho-physical state of the user. Source define “personality” at column 3, lines 23-36, here “personality” is “psycho-physical state”. Surace also teaches personality is detected by the user speech recognition at column 10, line 60 to column 11, line 67. Surace teaches, at column 8, lines 8-23, that ASR/NL software performs speech recognition and natural language

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speech processing, that will provide literal meaning of the input speech according to the claimed language. Also Source teaches determine "personality" of the user in order to response to the user at column 12, lines 1-22.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ABUL K. AZAD  
Primary Examiner  
Art Unit 2654

July 18, 2005